

**WORKFORCE DEVELOPMENT DEPARTMENT[871]**

**Adopted and Filed**

**Rule making related to wages, claims, and payment control**

The Director of the Department of Workforce Development hereby amends Chapter 23, “Employer’s Contribution and Charges,” Chapter 24, “Claims and Benefits,” and Chapter 25, “Benefit Payment Control,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 96.11.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 96.

*Purpose and Summary*

These amendments will give the Department a clearer framework from which to operate with regard to technology and modern efficiencies. The amendments will also help eliminate inefficiencies that remain as a result of outdated rules.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 20, 2017, as **ARC 3522C**. Public comment was received from Iowa Legal Aid, expressing opposition to this rule. **ARC 3522C** was reviewed by the Administrative Rules Review Committee at its meeting held on January 5, 2018. Committee members asked questions as to why only wages reported to the Department would be included in computing reported wages. David Steen, who represented the Department, advised that this is to combat fraud and inaccuracy. Likewise, questions were received regarding the stricken language in Item 4 of **ARC 3522C** (Item 2 herein). This is also to prevent fraud and to hold claims the Department has reason to believe are not valid. This Adopted and Filed rule making differs from the Notice of Intended Action. Proposed subrules 23.60(8) and 23.60(9) in Items 2 and 3 of the Notice were not adopted because the Department intends to seek future legislation that addresses those matters. Subsequent items were renumbered accordingly.

*Adoption of Rule Making*

This rule making was adopted by the Director of the Department of Workforce Development on January 24, 2018.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on March 21, 2018.

The following rule-making action is adopted:

ITEM 1. Rescind paragraph **23.6(2)“c”** and adopt the following **new** paragraph in lieu thereof:

c. Only wages reported to the Iowa unemployment insurance program may be used in computing the employee's reportable taxable wages in Iowa.

ITEM 2. Amend rule 871—24.3(96) as follows:

**871—24.3(96) Social security number needed for filing.**

**24.3(1)** The correct social security number must be provided by the claimant. The correct social security number is essential in the processing of the claim. ~~Therefore, if the claimant has a social security card, the number must be taken from that card or be provided by the claimant. If the claimant has two or more social security numbers, the claim shall be held until the claimant ascertains which number is correct. A claim cannot be processed without a social security number.~~

**24.3(2)** The claim will not become valid until the identity has been verified by the department. If the claimant has not provided the information to verify identity within seven calendar days of filing of a claim, the claim will be voided. The claimant must submit another claim for benefits. The effective date of the claim would be the Sunday of the week the identity was verified.

ITEM 3. Adopt the following **new** rule 871—25.17(96):

**871—25.17(96) Federal payment offset.** Pursuant to 42 U.S.C. 503 §303(m) and 26 U.S.C. §6402(f), the department shall utilize the treasury offset program in order to collect covered unemployment compensation.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/14/18.